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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,749	02/27/2004	Yoshiharu Tajima	FUJX 20.963	9601
26304 7590 06/04/2009 KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585				
EXAMINER KAMPURIA, SHARAD K				
ART UNIT 2617		PAPER NUMBER		
MAIL DATE 06/04/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/789,749

Applicant(s)

TAJIMA, YOSHIHARU

Examiner

SHARAD RAMPURIA

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/30/2009 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 11-17 are rejected under 35 U.S.C. 102 (e) as being anticipated by over **La Porta; Thomas F. et al.** [US 6434134 B1] *hereinafter* **La**.

As per claim 11, **La** teaches:

A radio communication method (Abstract) comprising the steps of:

Maintaining identification information allotted to a radio terminal for receiving data without renewing the identification information when the radio terminal moves from an area of a

first radio base station to an area of a second radio base station; and transmitting data and the identification information to the radio terminal from the first and second radio base stations in a diversity transmission manner. (e.g. transmitting address information to the device; Col.9; 9-36, Col.10; 40-48, Col.36; 9-37) and

renewing the identification information when the radio terminal moves to an area of a third base station and transmitting data and the renewed identification information to the radio terminal from the third radio base station. (e.g. Col.2; 10-32, Col.9; 53-Col.10; 36).

As per claim 12, La teaches:

The radio communication method according to claim 11, wherein said identification information is an IP address. (e.g. IP; Col.5; 1-16)

As per claims 13-14, La teaches the radio communication method according to claim 11, wherein said first radio base station sends primary information and said second radio base station sends secondary information, the primary information and the secondary information including same content information, and said radio terminal diversity-receives the primary information and the secondary information. (e.g. handover; Col.6; 66-Col.7; 21)

Claims 15-16 are the **system, apparatus**, claims, corresponding to **method** claim 11 respectively, and rejected under the same rational set forth in connection with the rejection of claim 11 respectively, above.

As per claim 17, La teaches:

The radio terminal of claim 14, wherein identification information and the renewed identification information are unique. (e.g. IP; Col.5; 1-16)

Response to Amendments & Remarks

Applicant's arguments filed on 03/30/2009 have been fully considered but they are not persuasive.

Relating to Claim 11:

In view of the fact, that **LA PORTA** teaches, "use of dynamic permanent addresses allows for a given number of mobile users to access a subnet utilizing fewer IP addresses than required with a permanent registration type scheme, assuming that all mobile users are not powered up at the same time. Additionally, the mobility of a mobile user between base stations is typically a localized phenomenon. That is, the majority of handoffs occur between base stations which are each included within a common subnet or domain. Therefore, the majority of handoffs between base stations do not require a DHCP server to assign a new care-of address. The present invention leverages this knowledge by designating the domain which includes the base station to which the mobile device attaches upon power up as the home domain. Such a scheme offers two beneficial effects. First, the quantity of IP addresses utilized is further reduced, since only one IP address is required when the mobile device is attached to any base station included within the home domain, the home domain is the domain in which the mobile device powers up, and the majority of handoffs occur within a single domain. Second, instances

compelling the use of triangular routing are less frequent since tunneling from a home agent is required only when the mobile device is attached via a foreign domain and the present invention enhances the probability that a mobile device will be serviced by base stations included within the home domain.” (La Porta ; Col.9; 9-36, Col.10; 40-48, Col.36; 9-37). Thus, it is evidently, the explanations above are directed to telecommunications systems and methods for transmitting address information to the device, that positively, anticipated by **LA PORTA**. Hence, it is believed that **LA PORTA** still teaches the claimed limitations.

The above arguments also recites for the other independent claims, consequently the response is the same explanation as set forth above with regard to claim 11.

Because the remaining claims depend directly/indirectly, from one of the independent claims discussed above, as a result the response is the same justification as set forth above.

With the intention of that explanation, it is believed and as enlighten above, the refutation are sustained.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Dwayne Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000 or

EBC@uspto.gov.

/Sharad Rampuria/
Primary Examiner
Art Unit 2617